

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PATRICK KINGSTON

AFFIRMATION

Plaintiff

-vs-

Index No.: I-2012-000970

CARDINAL O'HARA HIGH SCHOOL,
THE DIOCESE OF BUFFALO, N.Y. and
THE BOYS AND GIRLS CLUB OF THE
NORTHTOWNS FOUNDATION, INC.

Defendants

The undersigned, Christopher R. Poole, an attorney at law, affirms that the following statements are true under the penalties of perjury:

1. That I am an attorney at law with the law firm of CHELUS, HERDZIK, SPEYER & MONTE, P.C., attorneys for the defendants, CARDINAL O'HARA HIGH SCHOOL and THE DIOCESE OF BUFFALO, N.Y., in the above referenced lawsuit.
2. That I am familiar with the facts herein. This affirmation is being submitted on behalf of the defendants, CARDINAL O'HARA HIGH SCHOOL and THE DIOCESE OF BUFFALO, N.Y., containing information which is believed to be true. Information not based upon personal knowledge is based upon matters believed to be true contained in investigation, correspondence, pleadings, conferences and telephone conversations.
3. This affirmation is being submitted on behalf of the defendants, CARDINAL O'HARA HIGH SCHOOL and THE DIOCESE OF BUFFALO, N.Y., in response to plaintiff PATRICK KINGSTON's notice of motion to remand this litigation to State Court, dated May 1, 2012.

4. Defendants CARDINAL O'HARA HIGH SCHOOL and THE DIOCESE OF BUFFALO, N.Y. do not oppose the motion made by plaintiff's attorney Frank J. Dolce, Esq., within his affidavit sworn to on May 1, 2012, requesting that this Court remand the instant matter to New York State Supreme Court, Erie County pursuant to 28 USC section 1447(a) and 28 USC section 1447(b)(2).

DATED: Buffalo, New York
May 18, 2012

/s/ Christopher R. Poole
Christopher R. Poole

CRP:mpf
81-12-03-005
::ODMA\PCDOCS\DOCS\575107\1